

Exhibit 4

HIGHLY CONFIDENTIAL

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H I G H L Y C O N F I D E N T I A L
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

-----X

UNITED STATES, et al.,

Plaintiffs,

vs.

Case No.

1:23-cv-000108

GOOGLE LLC,

Defendant.

-----X

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VIDEOTAPED DEPOSITION OF LUKE LAMBERT

New York, New York

Tuesday, August 29, 2023

9:37 a.m.

Reported by:

Jennifer Ocampo-Guzman, CRR, CLR

Job No. CS6079449

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<p style="text-align: right;">Page 254</p> <p>1 LAMBERT - HIGHLY CONFIDENTIAL</p> <p>2 able to better serve your advertiser clients?</p> <p>3 MS. MORGAN: Objection to form,</p> <p>4 lacks foundation.</p> <p>5 A. I don't know if it's a better path</p> <p>6 to service with the clients. What we do is</p> <p>7 we buy. I think it would possibly open up</p> <p>8 new places for negotiation from the buy side,</p> <p>9 where typically the supply side is</p> <p>10 negotiating it. But I don't necessarily</p> <p>11 think it changes my ability to service our</p> <p>12 clients. I think we can continue the way we</p> <p>13 are servicing the clients.</p> <p>14 Q. Does Google inform Omnicom when it</p> <p>15 changes the way that it operates the</p> <p>16 algorithm is used to determine the winning</p> <p>17 bid auctions for display advertising?</p> <p>18 MS. MORGAN: Objection, form, lacks</p> <p>19 foundation.</p> <p>20 A. We're generally kept up to speed</p> <p>21 with platform updates and changes to the</p> <p>22 platform, including algos. It's the details</p> <p>23 behind it, again, that we may not be</p> <p>24 completely clear on, and that's beyond DV360.</p> <p>25 Q. So for -- let's take Army for</p>	<p style="text-align: right;">Page 256</p> <p>1 LAMBERT - HIGHLY CONFIDENTIAL</p> <p>2 Q. And so if that fee went up, the</p> <p>3 increase in those fees would be born by the</p> <p>4 advertiser as well; is that right?</p> <p>5 A. Yes, but we've done a good job of</p> <p>6 going the other way with fees.</p> <p>7 Q. So earlier you testified about some</p> <p>8 meetings between OMD and your counsel and the</p> <p>9 Department of Justice with respect to Army</p> <p>10 data. Do you remember that testimony?</p> <p>11 A. I do.</p> <p>12 Q. Does OMD ordinarily produce</p> <p>13 campaign reports in the terabytes of data on</p> <p>14 the details of purchases to Army under the</p> <p>15 Army contract?</p> <p>16 A. No.</p> <p>17 Q. So is it fair to say that reports</p> <p>18 at that level of detail and that volume are</p> <p>19 not ordinary course deliverables under the</p> <p>20 Army DDB OMD contract?</p> <p>21 A. I would question how it could even</p> <p>22 be done.</p> <p>23 Q. Do you personally work with</p> <p>24 contract modifications on behalf of DDB with</p> <p>25 respect to Army contracts?</p>
<p style="text-align: right;">Page 255</p> <p>1 LAMBERT - HIGHLY CONFIDENTIAL</p> <p>2 example. Are you able to tell Army how much</p> <p>3 AdX took out of Army's winning bids into AdX</p> <p>4 when you are reporting back on KPIs and other</p> <p>5 metrics related to Army campaigns?</p> <p>6 MS. MORGAN: Objection to form,</p> <p>7 lacks foundation.</p> <p>8 A. I would have to review our contract</p> <p>9 to see if we have a negotiated rate inside of</p> <p>10 AdX. At one point in time we did. I don't</p> <p>11 know if it's in the current GMP of our</p> <p>12 contract anymore.</p> <p>13 Q. And when you talked earlier about</p> <p>14 the eight and a half percent plus two</p> <p>15 cents -- per impression; is that right?</p> <p>16 A. Per CPM, this is a CPM.</p> <p>17 Q. For CPM.</p> <p>18 -- the eight and a half percent and</p> <p>19 the two cents CPM, are those fees ultimately</p> <p>20 paid by the advertiser client, specifically</p> <p>21 Army?</p> <p>22 A. Yeah. 100 percent of the media</p> <p>23 dollar is paid for by the client. It's not</p> <p>24 our investment. It's theirs. We're strictly</p> <p>25 the service arm.</p>	<p style="text-align: right;">Page 257</p> <p>1 LAMBERT - HIGHLY CONFIDENTIAL</p> <p>2 A. No, I don't personally. Any direct</p> <p>3 Army contracts are really third-party tech,</p> <p>4 things that would be are managed by Annalect.</p> <p>5 Q. Do you know who owns the overall</p> <p>6 contracting relationship at Omnicom with</p> <p>7 respect to Army?</p> <p>8 A. DDB, our scope contract within Army</p> <p>9 is DDB.</p> <p>10 Q. Do you have any idea what would</p> <p>11 need to be done to modify the contract so</p> <p>12 that Army could receive nonordinary course</p> <p>13 reports of detailed data like you referred to</p> <p>14 before?</p> <p>15 A. Yes, the scope will most certainly</p> <p>16 have a section in there on reporting,</p> <p>17 reporting cadence, reporting content,</p> <p>18 meetings on reports, tools used to deliver</p> <p>19 reporting, dashboarding, all of that would be</p> <p>20 in the scope. So we would need to update</p> <p>21 that portion of the scope if we wanted to</p> <p>22 update the sort of volume of data that they</p> <p>23 wanted to have access to. But typically</p> <p>24 campaign reporting is the goal, the campaign</p> <p>25 that we are working on, I would need to know</p>

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<p style="text-align: right;">Page 258</p> <p>1 LAMBERT - HIGHLY CONFIDENTIAL</p> <p>2 what is happening now.</p> <p>3 Q. Understood.</p> <p>4 Do you know who would need to be</p> <p>5 involved in discussions about modifying the</p> <p>6 scope of work under the Army contract?</p> <p>7 A. The total scope of work?</p> <p>8 Q. Yes.</p> <p>9 A. Yes.</p> <p>10 Q. Who would that be?</p> <p>11 A. It would be -- oh, gosh, the name</p> <p>12 is escaping me. I'm blanking. The head of</p> <p>13 our team at Team DDB, Danielle Atanda, Megan</p> <p>14 Frisbie, and more than likely our CFO and</p> <p>15 maybe, maybe our practice leadership teams.</p> <p>16 Q. In preparation for this deposition,</p> <p>17 did you talk to anyone about whether there</p> <p>18 had been proposed modifications to the Army</p> <p>19 contract concerning campaign level data?</p> <p>20 A. No.</p> <p>21 Q. So is it fair to say that if those</p> <p>22 discussions had occurred, you might not be</p> <p>23 aware of them?</p> <p>24 A. That is fair to say.</p> <p>25 Q. Can OMD unilaterally decide to</p>	<p style="text-align: right;">Page 260</p> <p>1 LAMBERT - HIGHLY CONFIDENTIAL</p> <p>2 only one media channel?</p> <p>3 MS. MORGAN: Objection, form.</p> <p>4 A. I can't think of a single media</p> <p>5 channel that can do everything. You know,</p> <p>6 search in particular is a reactive channel.</p> <p>7 It is a space where people are going to and</p> <p>8 putting in the protocol that delivers back</p> <p>9 the answer that we purchase. That only</p> <p>10 exists in search. So if I wanted to have</p> <p>11 that experience as a client, which I will do,</p> <p>12 you are going to buy search.</p> <p>13 But how do you deliver everything</p> <p>14 else you're trying to do only in search, you</p> <p>15 can't. And so, you know, if you want a broad</p> <p>16 reach and, you know, deliver household level</p> <p>17 communications at scale with efficiency,</p> <p>18 maybe you are going to buy DR-TV, which is</p> <p>19 exactly what you think it is.</p> <p>20 Or you want to be in a highly</p> <p>21 visible area, like The Super Bowl, you are</p> <p>22 going to buy that, because it's more than</p> <p>23 just a commercial. You know, it's an</p> <p>24 experience that more people opt into.</p> <p>25 Audio environment, right, so it's a</p>
<p style="text-align: right;">Page 259</p> <p>1 LAMBERT - HIGHLY CONFIDENTIAL</p> <p>2 create new deliverables under the contract</p> <p>3 with Army?</p> <p>4 MS. MORGAN: Objection to form.</p> <p>5 A. Can you define a deliverable for</p> <p>6 me?</p> <p>7 Q. For example, a large data report</p> <p>8 that was not specified in the existing scope</p> <p>9 of work.</p> <p>10 A. The Army is --</p> <p>11 MS. MORGAN: Object to the form.</p> <p>12 A. The Army is thankfully quite</p> <p>13 rigorous and holds scope dearly, so if it's</p> <p>14 out of scope, they would not ask us to do it.</p> <p>15 Q. I believe you testified earlier</p> <p>16 that you're not aware of any advertiser using</p> <p>17 only one media channel in its advertising</p> <p>18 plan; is that accurate?</p> <p>19 A. That is accurate.</p> <p>20 Q. Do you have an understanding of why</p> <p>21 that is?</p> <p>22 A. Yes.</p> <p>23 Q. What is your understanding of why</p> <p>24 you have not, in your experience, your many</p> <p>25 years of experience seen an advertiser using</p>	<p style="text-align: right;">Page 261</p> <p>1 LAMBERT - HIGHLY CONFIDENTIAL</p> <p>2 very passive experience that you can take</p> <p>3 with you when you are doing other things that</p> <p>4 you can't necessarily do with a video screen,</p> <p>5 right. Yes, we all look down at our phone</p> <p>6 when we are walking down the street, maybe</p> <p>7 too much, but people will exercise with music</p> <p>8 or clean their house with music or relax with</p> <p>9 music, right. So a lot of the other channels</p> <p>10 produce different experiences for consumers,</p> <p>11 and so you really need to have them in the</p> <p>12 mix, which is why we call it a mix.</p> <p>13 Q. Is it important for that mix to</p> <p>14 include a variety of different media</p> <p>15 channels?</p> <p>16 A. Yep.</p> <p>17 MS. MORGAN: Objection to form.</p> <p>18 A. Yes, always.</p> <p>19 Q. And so one media channel had a</p> <p>20 lower cost per click or a more efficient or</p> <p>21 effective -- was more efficient and effective</p> <p>22 with respect to the KPI for a particular</p> <p>23 campaign, would it make sense for an</p> <p>24 advertiser to shift all of its available</p> <p>25 funding into that media channel because it's</p>